

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

NOT FOR PUBLICATION

UNITED STATES

- versus -

GARY WILLIAMS,

Defendant.

ORDER

96-CR-938

JOHN GLEESON, United States District Judge:

Defendant Gary Williams moves for a modification of his sentence pursuant to 18 U.S.C. § 3582(c)(2). Williams suggests that he is entitled to relief in light of Amendment 591 to the United States Sentencing Guidelines (“USSG”), made retroactive by USSG § 1B1.10(c), which “requires that the initial selection of the offense guideline be based only on the statute (or offense) of conviction rather than on judicial findings of actual conduct” not made by the jury. *United States v. Rivera*, 293 F.3d 584, 585 (2d Cir. 2002). In calculating Williams’s guidelines, Williams’s sentencing judge selected offense guideline USSG § 2D1.1, which is applicable to drug offenses under 21 U.S.C. § 952, § 960(a), (b), and § 963. Williams was convicted of drug offenses under 21 U.S.C. § 952, § 960(a), (b), and § 963, and the sentencing judge’s selection of § 2D1.1 as the applicable guideline was therefore correct and permissible under Amendment 591. Accordingly, Williams’s motion for a sentence reduction is denied.

So ordered.

John Gleeson, U.S.D.J.

Dated: September 12, 2012  
Brooklyn, New York